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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/633,800	08/04/2003	Nasir Mahmood Mirza	2372	7250
28004	7590	11/06/2007		
SPRINT 6391 SPRINT PARKWAY KSOPHT0101-Z2100 OVERLAND PARK, KS 66251-2100			EXAMINER ELALLAM, AHMED	
			ART UNIT 2616	PAPER NUMBER
			MAIL DATE 11/06/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/633,800	MIRZA, NASIR MAHMOOD	
	<b>Examiner</b>	<b>Art Unit</b>	
	AHMED ELALLAM	2616	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 August 0203.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 August 0203 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>8/4/2003</u>  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1, 6-8, 10, 15-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Ennis, Jr. et al. Hereinafter referred to as Ennis.

Regarding claims 1 and 10, with reference to figure 1, Ennis discloses a method/ or communication control system for bandwidth selection in a communication network, the communication control system comprising:

a console 16, the console comprising a display user interface and input device, column 23, lines 30-33,(claimed a display device; an input device);

a communication interface for transferring command to the communication network, see column 23, line 52-55;

an operator entering information into console 16 describing the data transmission system configuration including the individual circuits to monitor by a probe. The probe determines the bandwidth capacities and committed information rates, the console displays information relating to bandwidth utilization for individual circuits, Column 9, lines 36-41.

Ennis further discloses window display 20 includes advisor button 52 for initiating analysis of the access channel and/or individual circuit utilization data to recommend a bandwidth adjustment. Column 15, line 17-20. (Claimed receive a user input from the input device in response to the graphical bandwidth selection indicium, with the user

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input selecting a particular bandwidth indicium of the two or more bandwidth indicia, translate the user input into the bandwidth selection command, and transfer the bandwidth selection command to the communication interface; wherein the user input generates the bandwidth selection command for a communication session in the communication network).

Regarding claims 6 and 15, Ennis discloses clicking a button 52 for bandwidths recommendation. See column 18, lines 38-34.

Regarding claims 7, 8, 16, 17 and 18, Ennis discloses displaying bar graph and pie charts for viewing bandwidth utilization; see column 17, lines 54-66.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 2-5, and 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ennis in view of Lolayekar et al, US 2003/0079019. Hereinafter referred to as Lolayekar.

Regarding claims 2, 3, 11 and 12, as indicated above with reference to respective claims 1 and 10, Ennis discloses substantially all the limitation of parent claims. Further Ennis discloses a series of recommendation for bandwidth adjustments. Ennis doesn't specify transferring the bandwidth selection command to a first bandwidth

controller associated with a first switch of the communication network, with the first bandwidth controller controlling a communication session bandwidth, as in claim 2 and 11 and does not teach the bandwidth selection command is transferred to at least a first bandwidth controller associated with a first switch and a second bandwidth controller associated with a second switch of the communication network, with the first and second bandwidth controllers controlling a communication session bandwidth.

However, with reference to figures 2 and 6, Lolayekar in the same field of endeavor of bandwidth allocation in storage area network, discloses traffic managers (TMs) 608 in both ingress and egress linecards monitor (claimed bandwidth controller) the transfer bandwidth of different connections, the traffic manager associated with a switches 204, paragraph [0193] . Lolayekar further discloses an administrator entering the performance characteristics at a management station 210, wherein the characteristics can then be provided to the switches 204. Paragraph [0093].

It would have being obvious to a person of ordinary skill in the art, at the time the invention was made to have the switching network of Ennis consist of the switching network of Lolayekar so that the method/system can be used in the network of Lolayekar. It is also advantageous to add another layer of service such as QoS to the system/method of Ennis.

Regarding claims 4, 5, 13 and 14, Ennis disclose bandwidth adjustment for individual circuits but does not specify the individual circuit (s) are mirroring session as in claims 4 and 13, or the mirroring session is to a Storage Area Network (SAN) as in claims 5 and 14.

Lolayekar discloses path that are for mirroring to a SAN, see paragraph [0013]. It would have being obvious to a person of ordinary skill in the art, at the time the invention was made to have the bandwidth adjustment of Ennis applied to path carrying mirroring data as taught by Lolayekar so that the bandwidth adjustment method/system of Ennis can be implemented in Storage Area Networks. (Lolayekar [0013]).

3. Claims 9 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ennis in view of Fuller et al U.S 2003/0055972. Hereinafter referred to as Fuller.

Regarding claim 9 and 19, Ennis discloses that the console (claimed processing system) is arranged to display data in graphical form and the windows or screens may be arranged in any manner and contain any desired information and /or the bar graphs, pie charts and reports may contain any desired information extending for any desired period of time. See column 23, lines 30-50.

Ennis doesn't specify the displayed information is a service level agreement.

Fuller in the same field of endeavor of Storage Area Networks discloses displaying SLA data, see paragraph [0037]. It would have being obvious to a person of ordinary skill in the art, at the time the invention was made the make the displayed data of Ennis consists of SLA data as taught by Fuller. The advantage would be the ability to enhance the system of Ennis with enforcing the SLA in the process of bandwidth recommendation. It is also advantageous to prevent Users lacking the required SLA from congesting the network.

**Conclusion**


4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: See Form PTO-892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AHMED ELALLAM whose telephone number is (571) 272-3097. The examiner can normally be reached on 7-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi H. Pham can be reached on (571) 272-3179. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AHMED ELALLAM  
Examiner  
Art Unit 2616  
10/30/07

  
CHI PHAM  
SUPERVISORY PATENT EXAMINER

10/31/07